

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CIF LICENSING, LLC, d/b/a  
GE LICENSING

Plaintiff,

v.

AGERE SYSTEMS INC.,

Defendant.

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C.A. No. 07-170 (JJF)

**UPDATED FINAL JOINT CLAIM CONSTRUCTION CHART**

CIF Licensing, LLC ("GE Licensing") and Defendant Agere Systems Inc. ("Agere") jointly submit their Updated Final Joint Claim Construction Chart for the patents-in-suit:

- U.S. Patent No. 5,048,054 ("the '054 Patent");
- U.S. Patent No. 5,428,641 ("the '641 Patent");
- U.S. Patent No. 5,446,758 ("the '758 Patent"); and
- U.S. Patent No. 6,198,776 ("the '776 Patent").

After meeting and conferring several times, the parties reached agreement regarding the construction of all terms identified for construction in the '758 Patent and the '776 Patent and certain terms identified for construction in the '054 Patent and the '641 Patent. Exhibit A hereto sets forth those terms and the agreed-upon construction.

Exhibit B hereto sets forth the parties' proposed constructions of disputed and agreed claim terms in the '054 Patent and the '641 Patent.

Should the Court have any questions regarding the Chart, the parties will make themselves available at a time convenient for the Court.

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# **EXHIBIT A**

**EXHIBIT A: Stipulated Construction of Claim Terms**

**United States Patent No. 5,048,054**

<b>Terms from United States Patent No. 5,048,054</b>	<b>Agreed Construction</b>
Preamble to claims 1, 12 and 46	The parties agree that the preamble to claims 1, 12 and 46 is not limiting.

**EXHIBIT A: Stipulated Construction of Claim Terms****United States Patent No. 5,446,758**

Terms from United States Patent No. 5,446,758	Agreed Construction
mapper	structure that associates an input to an output
mapping means	<p data-bbox="456 1331 483 1461">Function:</p> <p data-bbox="526 239 630 1461">“mapping a digital data sequence into a signal point sequence <math>u(D)</math> such that a component <math>u_k</math> of <math>u(D)</math> at a given time <math>k</math> is selected based in part on past components <math>\{y_{k-1}, y_{k-2}, \dots\}</math> of a channel output sequence <math>y(D) = x(D)h(D)</math> based on feedback information”</p> <p data-bbox="672 1331 699 1461">Structure:</p> <p data-bbox="742 926 769 1461">Mapper 102 ('758 Patent, Figs. 1, 2, 3, 4).</p> <p data-bbox="781 1031 808 1461">Mapper 508 ('758 Patent, Fig. 5).</p> <p data-bbox="820 842 847 1461">Mapping program unit 906 ('758 Patent, Fig. 9).</p>
precoding means	<p data-bbox="891 1331 919 1461">Function:</p> <p data-bbox="961 184 1101 1461">“generating a signal point sequence <math>x(D)</math> according to <math>x(D) = u(D) + d(D)</math>, wherein <math>d(D)</math> represents a nonzero difference between a selected non-zero sequence <math>c(D)</math> and a precursor intersymbol interference (ISI) sequence <math>p(D)</math> substantially of a form <math>p(D) = x(D)[h(D)-1]</math>, wherein <math>c(D)</math> is selected such that the channel output sequence <math>y(D)</math> is a code sequence in a trellis code <math>C</math>”</p> <p data-bbox="1143 1331 1170 1461">Structure:</p> <p data-bbox="1213 974 1240 1461">Precoder 104 ('758 Patent, Figs. 1, 2).</p> <p data-bbox="1252 1016 1279 1461">Precoder 404 ('758 Patent, Fig. 4).</p> <p data-bbox="1291 1016 1318 1461">Precoder 510 ('758 Patent, Fig. 5).</p> <p data-bbox="1330 827 1357 1461">Precoding program unit 908 ('758 Patent, Fig. 9).</p>

**EXHIBIT A: Stipulated Construction of Claim Terms****United States Patent No. 6,198,776**

<b>Terms from United States Patent No. 6,198,776</b>	<b>Agreed Construction</b>
mapping data bits to be transmitted to as a sequence of equivalent classes	mapping data bits to be transmitted to a sequence of equivalence classes
quantization device	a device that converts a signal with a range of amplitudes to a set of discrete values
upstream PCM data transmission	The parties agree that the preamble to claim 30 is not limiting.
analog pulse code modulation (PCM) modem	The parties agree that the preamble to claim 30 is not limiting.

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# **EXHIBIT B**

**EXHIBIT B****Proposed Construction For Disputed Terms**  
**In United States Patent No. 5,048,054**

<b>Terms from United States Patent No. 5,048,054</b>	<b>GE Licensing's Proposed Construction</b>	<b>Agere's Proposed Construction</b>
receiver	Plain meaning (any structure capable of receiving an electrical signal).	a hardware device for accepting signals from a remote device
line probing processor	structure that processes a line probing signal	a hardware component that processes a line probing signal
selector	Plain meaning (any structure that runs a decision algorithm).	Invalid based on indefiniteness (35 U.S.C. § 112, ¶ 1); invalid based on lack of enablement (35 U.S.C. § 112, ¶ 2).
for selecting one of the plurality of frequency bands	Plain meaning (phrase cannot be beneficially broken down anymore).	for determining a frequency band to be used for receiving a modulated signal from the remote device, based upon the channel characteristics measured by the line probing processor
for selecting one of the plurality of bit rates	Plain meaning (phrase cannot be beneficially broken down anymore).	for determining a bit rate to be used for receiving a modulated signal from the remote device, based upon the channel characteristics measured by the line probing processor



**Proposed Construction For Disputed Terms**  
**In United States Patent No. 5,428,641**

Terms from United States Patent No. 5,428,641	GE Licensing's Proposed Construction	Agere's Proposed Construction
constellation	a finite set of points in a space	the set of $2^n$ multi-dimensional signal points used to represent a mapping frame of $n$ input data bits
constellation switching	The preamble of claims 1, 3, 5, and 7 is not limiting. If the preamble is found to be limiting, "constellation switching" means "a change between two constellations having different numbers of points"	using constellations with varying numbers of points for mapping multiple frames of data bits
can be	The preamble of claims 1 and 3 is not limiting. If the preamble is found to be limiting, "can be" should be given its plain meaning.	are or must be. As used in the preamble, this term creates a required or limiting condition for the claim. Thus, the phrase "can be transmitted without constellation switching" must be read as "are transmitted without constellation switching."
frame selector	structure that can select the length of data in a frame	a hardware device for selecting a number of data bits to fill a frame. Frame selector does not include devices storing or executing software such as a central processing unit (CPU) or a digital signal processor (DSP)

Terms from United States Patent No. 5,428,641	GE Licensing's Proposed Construction	Agere's Proposed Construction
zero insertion unit	structure that can insert a zero when required	a hardware device for adding a zero to a frame of data bits. Zero insertion unit does not include devices storing or executing software such as a central processing unit (CPU) or a digital signal processor (DSP)
signal constellation selector/mapper	structure that can select a signal constellation and can map frame bits onto constellation points	a hardware device for selecting a constellation and mapping frames of data bits to signal points or symbols in such constellation. Signal constellation selector/mapper does not include devices storing or executing software such as a central processing unit (CPU) or a digital signal processor (DSP)
operably coupled	whose input is derived from the output of another stage or structure	physically connected to allow inter-operation

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**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on June 6, 2008, the within document was filed with the Clerk of the Court using CM/ECF; that the document was served on the following party as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY HAND DELIVERY AND E-MAIL**

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